

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

VINCENT JAMES ZURLA §
VS. § CIVIL ACTION NO. 1:09cv137
UNITED STATES DEPARTMENT OF §
JUSTICE, ET AL.

MEMORANDUM ORDER OVERRULING PLAINTIFF'S OBJECTIONS AND
ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Plaintiff Vincent James Zurla, an inmate at the Federal Correctional Complex in Beaumont, Texas, proceeding *pro se*, brought the above-styled lawsuit.

The court referred this matter to the Honorable Earl S. Hines, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge recommends this action be dismissed without prejudice for want of prosecution.

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such referral, along with the record and pleadings. Plaintiff filed objections to the magistrate judge's Report and Recommendation. This requires a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b).

After careful consideration, the court concludes plaintiff's objections are without merit. Plaintiff has demonstrated a pattern of delay in failing to pay the initial partial filing fee to proceed with this action. A review of plaintiff's application to proceed *in forma pauperis* reveals plaintiff had adequate funds to pay the partial filing fee as ordered; however, he has failed to comply with the order despite being provided almost 14 months in which to do so. Accordingly, plaintiff's complaint should be dismissed without prejudice for want of prosecution.

O R D E R

Accordingly, plaintiff's objections are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct and the report of the magistrate judge is **ADOPTED**. A final judgment will be entered in this case in accordance with the magistrate judge's recommendations.

So **ORDERED** and **SIGNED** this 1 day of **November, 2010**.



Ron Clark, United States District Judge